

AMENDED IN ASSEMBLY APRIL 26, 2011

AMENDED IN ASSEMBLY MARCH 31, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 1306

Introduced by Assembly Member Donnelly

February 18, 2011

An act to ~~amend Section 123464 of~~ *to add Sections 123470 and 123472 to the Health and Safety Code, relating to abortion.*

LEGISLATIVE COUNSEL'S DIGEST

AB 1306, as amended, Donnelly. Abortion.

~~Existing law provides for the implementation of a community-based system of perinatal care for eligible women and infants administered by the State Department of Public Health.~~

Existing law regulates the performance of abortions. Existing law, the Reproductive Privacy Act, provides that the state may not deny or interfere with a woman's right to choose or obtain an abortion prior to viability of the fetus, or when the abortion is necessary to protect the life or health of the woman. Under this existing law, ~~a surgical an~~ abortion is unauthorized unless it complies with provisions of the Medical Practice Act that make performance of an abortion by a person without a physician and surgeon's certificate subject to the provisions relating to the unauthorized practice of medicine. Violation of these provisions constitutes unprofessional conduct and is a crime.

~~This bill would define "woman" for all of the above purposes as an adult female human~~ *require the person authorized to perform the abortion to provide complete and full information on the potential physiological and psychological impacts of an abortion, in both verbal*

and written form, to any woman seeking an abortion in order to obtain her informed consent to the abortion during a counseling session where only verified immediate relatives or legal guardians of the woman may join her in the counseling room. By expanding the scope of an existing crime, this bill would impose a state-mandated local program.

Existing law provides for the licensure and regulation of clinics, outpatient settings, and health facilities. A violation of these provisions is a crime. Existing law also establishes the offense of human trafficking.

This bill would require any facility where an abortion is authorized to be performed and the emergency room of a general acute care hospital to post in common areas the telephone number of a nonprofit organization that provides services in support of the elimination of human trafficking.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 123470 is added to the Health and Safety
- 2 Code, to read:
- 3 123470. Prior to the performance of an abortion, the person
- 4 performing the abortion, authorized pursuant to Section 2253 of
- 5 the Business and Professions Code, shall provide complete and
- 6 full information on the potential physiological and psychological
- 7 impacts of an abortion, in both verbal and written form, to any
- 8 woman seeking an abortion in order to obtain her informed consent
- 9 to obtain the abortion during a counseling session. Only verified
- 10 immediate relatives or legal guardians of the woman seeking an
- 11 abortion may join the woman in the counseling room.
- 12 SEC. 2. Section 123472 is added to the Health and Safety Code,
- 13 to read:
- 14 123472. The National Human Trafficking Resource Center's
- 15 hotline telephone number, 1-888-3737-888, shall be posted in
- 16 common areas, including, but not limited to, waiting rooms and
- 17 restrooms, at any facility where an abortion may be performed

1 *and at the emergency room of a general acute care hospital, as*
2 *defined in subdivision (a) of Section 1250.*

3 ~~SECTION 1. Section 123464 of the Health and Safety Code~~
4 ~~is amended to read:~~

5 ~~123464. The following definitions shall apply for purposes of~~
6 ~~this chapter:~~

7 (a) ~~“Abortion” means any medical treatment intended to induce~~
8 ~~the termination of a pregnancy except for the purpose of producing~~
9 ~~a live birth.~~

10 (b) ~~“Pregnancy” means the human reproductive process,~~
11 ~~beginning with the implantation of an embryo.~~

12 (c) ~~“State” means the State of California, and every county,~~
13 ~~city, town and municipal corporation, and quasi-municipal~~
14 ~~corporation in the state.~~

15 (d) ~~“Viability” means the point in a pregnancy when, in the~~
16 ~~good faith medical judgment of a physician, on the particular facts~~
17 ~~of the case before that physician, there is a reasonable likelihood~~
18 ~~of the fetus’ sustained survival outside the uterus without the~~
19 ~~application of extraordinary medical measures.~~

20 (e) ~~“Woman” means an adult female human.~~

21 ~~SEC. 2.~~

22 ~~SEC. 3. No reimbursement is required by this act pursuant to~~
23 ~~Section 6 of Article XIII B of the California Constitution because~~
24 ~~the only costs that may be incurred by a local agency or school~~
25 ~~district will be incurred because this act creates a new crime or~~
26 ~~infraction, eliminates a crime or infraction, or changes the penalty~~
27 ~~for a crime or infraction, within the meaning of Section 17556 of~~
28 ~~the Government Code, or changes the definition of a crime within~~
29 ~~the meaning of Section 6 of Article XIII B of the California~~
30 ~~Constitution.~~